

RESOLUTION NO. 20080508-010

WHEREAS, the City Council of the City of Austin has found that public necessity requires the City of Austin to acquire certain real property interests for public purposes as set out below; and

WHEREAS, the City of Austin has attempted to purchase those needed real property interests but has been unable to agree with the owner on the fair market value thereof, **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Attorney, or other authorized designee, is hereby authorized and directed to file, or cause to be filed, a suit in eminent domain on behalf of the City of Austin against the owner now having, or who may acquire, an interest in the real property interests needed by the City, described and located below, for the public purposes set out below, and to take whatever other action may be deemed appropriate to economically effect the needed acquisitions

The City Attorney, or other authorized designee, shall file eminent domain proceedings for

Owner: MP Braker, L P , a Texas Limited Partnership

Project. Braker at IH35 TSM

Intended Purpose the right of way dedication described in the attached Exhibit "A" is necessary to provide safety improvements to a nearby traffic intersection by adding a designated turn lane, and

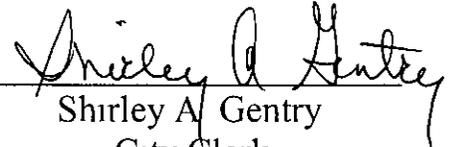
the temporary construction easement described in the attached Exhibit "B" is necessary to construct the improvements described in the attached Exhibit "A "

Location 611 E Braker Lane, Austin, Texas 78753

Property Described in the attached and incorporated Exhibits A and B

ADOPTED: May 8, 2008

ATTEST:


Shirley A. Gentry
City Clerk

LEGAL DESCRIPTION

FOR A 0 015 OF AN ACRE (640 SQUARE FOOT) TRACT OF LAND OUT OF THE JOHN APPLGAIIT SURVEY NO 58, ABSTRACT NO 29, TRAVIS COUNTY, TEXAS BEING PORTION OF A CALLED 1 74 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY DEED DATED APRIL 13, 2000 TO MP BRAKER, LP RECORDED IN DOCUMENT NO 2000056544 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, SAID 0 015 ACRE (640 SQUARE FOOT) TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH

BEGINNING at a 3/8 inch iron rod found, having Texas State Plane Coordinate (Texas Central Zone, NAD83(HARN93), U S Feet, Combined Scale Factor 0 99991) values of N=10111010 68, E=3133791 01 on the south right-of-way line of East Braker Lane (ROW width varies) in the west line of said 1 74 acre tract, being also the east line of LOT B, WM GEPHART SUBDIVISION, as shown on the plat recorded in Volume 16 Page 20 of the Plat Records of Travis County, Texas, for the northwest corner hereof.

THENCE along the south right-of-way line of said East Braker Lane, with the following two (2) courses and distances

- 1 **S 64° 04' 10" E** a distance of **116.24 feet** to a 1/2 inch iron rod found with aluminum cap for the point of curvature hereof,
- 2 Along a curve to the left with radius of **725.00 feet** an arc length of **72 38 feet** central angle of **05° 43' 11"**, and a chord that bears **S 67° 07' 44" E** a distance of **72.35 feet** to a 1/2 inch iron rod found with aluminum cap on the east line of said 1 74 acre tract, being also the west boundary line of LOT 1 C L DANIEL, JR SUBDIVISION as shown on the plat recorded in Volume 59, Page 87 of the Plat Records of Travis County, Texas, at the northwest corner of a called 0 804 acre tract described in a Warranty Deed with Vender's Lien dated July 28, 2004 to Braker Properties L L C recorded in Document No 2004145505 of the Official Public Records of Travis County, Texas, for the northeast corner hereof,

THENCE along the east line of said 1 74 acre tract, being also the west line of said 0 804 acre tract and said LOT 1, **S 27° 29' 48" W** a distance of **5.07 feet** to a 1/2 inch iron rod set with 'Baker-Aicklen' cap, for the southeast corner hereof, from which a 1/2 inch iron rod found at the southwest corner of said 0 804 acre tract, being also the southwest corner of LOT 3 of said C L DANIELS JR SUBDIVISION, bears **S 27° 29' 48' W** a distance of 211 05 feet,

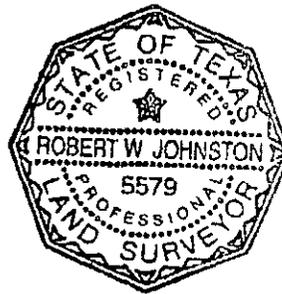
THENCE departing the east line and crossing said 1 74 acre tract, the following four (4) courses and distances

- 1 Along a curve to the right with a radius of **808.50 feet**, an arc length of **70 90 feet**, central angle of **05° 01' 29"** and a chord that bears **N 66° 43' 44" W** a distance of **70.88 feet** to a 1/2 inch iron rod set with "Baker-Aicklen" cap, for the point of tangency hereof,
- 2 **N 64° 13' 00" W** a distance of **9.99 feet** to a 1/2 inch iron rod set with "Baker-Aicklen" cap for the point of curvature hereof,
- 3 Along a curve to the right with a radius of **308.50 feet** an arc length of **14.75 feet** central angle of **02° 44' 23"** and a chord that bears **N 62° 50' 49" W** a distance of **14.75 feet** to a 1/2 inch iron rod set with "Baker-Aicklen" cap, for the point of tangency hereof and
- 4 **N 61° 28' 33" W** a distance of **92.90 feet** to the **POINT OF BEGINNING** containing 0 015 acres (640 square feet) of land

Bearing basis is grid north for the Texas Central Zone (4203) NAD 83/93 HARN

Surveyed under the direct supervision of the undersigned during July, 2007

Robert W Johnston 2/13/2008
Robert W Johnston
Registered Professional Land Surveyor No 5579
BAKER-AICKLEN & ASSOCIATES, INC
405 Brushy Creek Road
Cedar Park, Texas 78613
(512) 244-9620



Job No 0020-2-046-11
Filename W\PROJECTS\COA\BRAKER LN@IH-35\EASEMENT\F-NOTES\0 015AC.DOC

REFERENCES

TCAD No 02-4623-05-03
Austin Grd MM-31

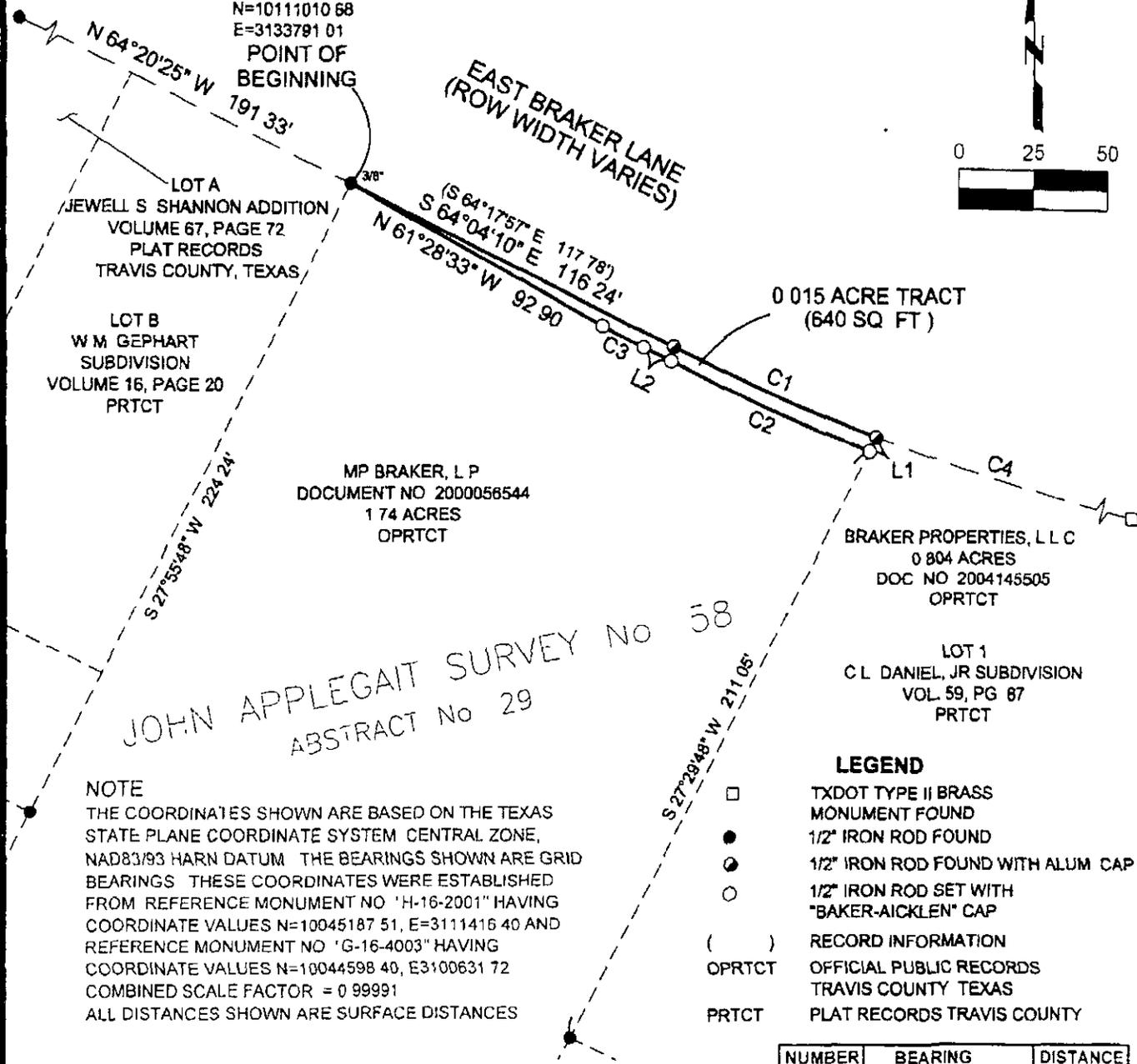
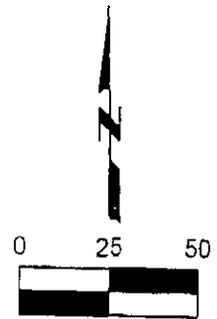
FIELD NOTES REVIEWED

By Paul Dorr Date 2/14/08

Engineering Support Section
Department of Public Works
and Transportation

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

GRID COORDINATES
 N=10111010 68
 E=3133791 01
 POINT OF BEGINNING



NOTE

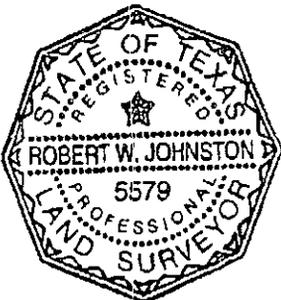
THE COORDINATES SHOWN ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM CENTRAL ZONE, NAD83/93 HARN DATUM THE BEARINGS SHOWN ARE GRID BEARINGS THESE COORDINATES WERE ESTABLISHED FROM REFERENCE MONUMENT NO 'H-16-2001' HAVING COORDINATE VALUES N=10045187 51, E=3111416 40 AND REFERENCE MONUMENT NO 'G-16-4003' HAVING COORDINATE VALUES N=10044598 40, E3100631 72 COMBINED SCALE FACTOR = 0 99991 ALL DISTANCES SHOWN ARE SURFACE DISTANCES

LEGEND

- TXDOT TYPE II BRASS MONUMENT FOUND
- 1/2" IRON ROD FOUND
- ◐ 1/2" IRON ROD FOUND WITH ALUM CAP
- 1/2" IRON ROD SET WITH "BAKER-AICKLEN" CAP
- () RECORD INFORMATION
- OPRTCT OFFICIAL PUBLIC RECORDS TRAVIS COUNTY TEXAS
- PRTCT PLAT RECORDS TRAVIS COUNTY

NUMBER	BEARING	DISTANCE
L1	S 27°29'48" W	5 07
L2	N 64°13'00" W	9 99'
L3	S 75°14'36" E	127 11'

NUMBER	RADIUS	ARC	CEN ANGLE	CH BRG	CHORD
C1	725 00'	72 38'	05°43'11"	S 67°07'44" E	72 35'
(C1)	(725 00')	(72 36')	(05°43'07")	(S 67°09 30' E)	(72 33')
C2	808 50'	70 90'	05°01'29"	N 66°43'44" W	70 88'
C3	308 50'	14 75'	02°44'23"	N 62°50'49" W	14 75'
C4	725 00'	100 60'	07°57'00"	S 73°57'49" E	100 52'



DATE AUG 09 2007
 JOB NO 0020-2-046-11
 BY RWJ
 PAGE 3 OF 3

BAKER-AICKLEN & ASSOCIATES, INC
 405 BRUSHY CREEK RD.
 CEDAR PARK, TX 78613
 3 • GIS • Planning 512 260 3700

Exhibit "A"
 Page 3 of 3

LEGAL DESCRIPTION

FOR A 0 065 OF AN ACRE (2829 SQUARE FOOT) TRACT OF LAND OUT OF THE JOIN APPLIGAIT SURVEY NO 58, ABSTRACT NO 29 TRAVIS COUNTY, TEXAS, BEING PORTION OF A CALLED 1 74 ACRE TRACT DESCRIBED IN A SPECIAL WARRANTY DEED DATED APRIL 13, 2000 TO MP BRAKER, L P RECORDED IN DOCUMENT NO 2000056544 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY SAID 0 065 ACRE (2829 SQUARE FOOT) TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS AND AS SHOWN ON THE ATTACHED SKETCH

BEGINNING at a 3/8 inch iron rod found having Texas State Plane Coordinate (Texas Central Zone NAD83(HARN93) U S Feet, Combined Scale Factor 0 99991) values of N=10111010 68 E=3153791 01, on the south right-of-way line of East Braker Lane (ROW width varies) in the west line of the 1 74 acre tract, being also the east line of LOT B W M GEPHART SUBDIVISION as shown on the plat recorded in Volume 16 Page 20 of the Plat Records of Travis County Texas for the northwest corner hereof

THENCE departing the south right-of-way line of said East Braker Lane, and crossing said 1 74 acre tract, with the following four (4) courses and distances

- 1 **S 61° 28' 33" E** a distance of **92.90 feet** to a 1/2 inch iron rod set with Baker-Aicklen cap for a point of curvature hereof.
- 2 Along a curve to the left with a radius of **308 50 feet** an arc length of **14.75 feet** central angle of **02° 44' 23"** and a chord that bears **S 62° 50' 49" E** a distance of **14 75 feet** to a 1/2 inch iron rod set with Baker-Aicklen cap, for a point of tangency hereof.
- 3 **S 64° 13' 00" E** a distance of **9 99 feet** to a 1/2 inch iron rod set with Baker-Aicklen cap for a point of curvature hereof and
- 4 Along a curve to the left with radius of **808 50 feet** an arc length of **70 90 feet** central angle of **05° 01' 29"** and a chord that bears **S 66° 43' 44" E** a distance of **70 88 feet** to a 1/2 inch iron rod set with Baker-Aicklen cap on the east line of said 1 74 acre tract being also the west line of LOT 1, C L DANIELS JR SUBDIVISION as shown on the plat thereof recorded in Volume 59 Page 87 of the Plat Records of Travis County being also the west line of a called 0 804 acre tract described in a Warranty Deed with Vendor s Lien dated July 28 2004 to Braker Properties, LLC recorded in Document No 2004145505 of the Official Public Records of Travis County Texas for the northeast corner hereof, from which a 1/2 inch iron rod found with aluminum cap in the south right-of-way line of East Braker Lane at the northwest corner of said 0 804 acre tract, bears **N 27° 29' 48" E** a distance of **5 07 feet**

THENCE along the east line of said 1.74 acre tract, being also the west line of said LOT 1, being also the west line of said 0.804 acre tract, **S 27° 29' 48" W** a distance of **15.10 feet** to a calculated point for the southeast corner hereof, from which a 1/2 inch iron rod found at the southwest corner of LOT 3 of said C L DANIELS JR SUBDIVISION, being also the southwest corner of said 0.804 acre tract bears **S 27° 29' 48" W** a distance of 195.95 feet

THENCE departing the east line and crossing said 1.74 acre tract, the following four (4) courses and distances

- 1 Along a curve to the right with a radius of **823.50 feet** an arc length of **70.45 feet**, central angle of **04° 54' 05"**, and a chord that bears **N 66° 40' 03" W** a distance of **70.43 feet** to a calculated point, for a point of tangency hereof,
- 2 **N 64° 13' 00" W** a distance of **9.99 feet** to a calculated point for a point of curvature hereof
- 3 Along a curve to the right with a radius of **323.50 feet** an arc length of **15.47 feet**, central angle of **02° 44' 23"** and a chord that bears **N 62° 50' 49" W** a distance of **15.47 feet** to a calculated point, for a point of tangency hereof,
- 4 **N 61° 28' 33" W** a distance of **92.74 feet** to a calculated point on the west line of said 1.74 acre tract, being also the east line of said LOT B, W M GEPHART SUBDIVISION for the southwest corner hereof from which a 1/2 inch iron rod found in the west line of said 1.74 acre tract bears **S 27° 55' 48" W** a distance of 209.24 feet

THENCE along the west line of said 1.74 acre tract being also the east line of said LOT B, W M GEPHART SUBDIVISION, **N 27° 55' 48" E** a distance of **15.00 feet** to the **POINT OF BEGINNING** containing 0.065 acres (2829 square feet) of land

Bearing basis is grid north for the Texas Central Zone (4203) NAD 83/93 HARN

Surveyed under the direct supervision of the undersigned during July 2007

Robert W Johnston 2/13/2008
Robert W Johnston
Registered Professional Land Surveyor No. 5579
BAKER-AICKLEN & ASSOCIATES, INC
405 Brushy Creek Road
Cedar Park, Texas 78613
(512) 244-9620



Job No. 0020-2-046-11
Filename: W:\PROJECTS\COA\BRAKER LN@IH-35\MEASUREMENT NOTES\0.065AC.DOC

REFERENCES

TCAD No. 02-4623-05-03
Austin Grid MM-31

FIELD NOTES REVIEWED

By *[Signature]* Date *2/14/08*

Exhibit "B"
Page 2 of 3

Engineering Support Section
Department of Public Works
and Transportation

SKETCH TO ACCOMPANY LEGAL DESCRIPTION

GRID COORDINATES

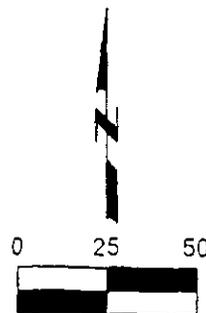
N=10111010 68

E=3133791 01

POINT OF BEGINNING

191 33'

EAST BRAKER LANE
(ROW WIDTH VARIES)



LOT B
WM GEPHART
SUBDIVISION
VOLUME 16, PAGE 20
PR1CT

0 065 ACRE TRACT
(2829 SQ FT)

MP BRAKER, L P
DOCUMENT NO 2000056544
1 74 ACRES
OPRTCT

BRAKER PROPERTIES, LLC
0 804 ACRES
DOC NO 2004145505
OPRTCT

LOT 1
C L DANIEL, JR SUBDIVISION
VOL 59, PG 87
PRTCT

JOHN APPLIGAIT SURVEY No 58
ABSTRACT No 29

NOTE

THE COORDINATES SHOWN ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, CENTRAL ZONE NAD83/93 HARN DATUM THE BEARINGS SHOWN ARE GRID BEARINGS THESE COORDINATES WERE ESTABLISHED FROM REFERENCE MONUMENT NO "H-16-2001" HAVING COORDINATE VALUES N=10045187 51 E=3111416 40 AND REFERENCE MONUMENT NO G-16-4003' HAVING COORDINATE VALUES N=10044598 40 E3100631 72, COMBINED SCALE FACTOR = 0 99991 ALL DISTANCES SHOWN ARE SURFACE DISTANCES

LEGEND

- TXDOT TYPE II BRASS MONUMENT FOUND
- △ CALCUATED POINT
- 1/2" IRON ROD FOUND
- 1/2" IRON ROD FOUND WITH ALUM CAP
- 1/2" IRON ROD SET WITH "BAKER-AICKLEN" CAP
- () RECORD INFORMATION
- OPRTCT OFFICIAL PUBLIC RECORDS TRAVIS COUNTY, TEXAS
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NUMBER	BEARING	DISTANCE
L1	S 64°13'00" E	9 99'
L2	N 27°29'48" E	5 07'
L3	S 27°29'48" W	15 10'
L4	N 64°13 00" W	9 99'
L5	N 27°55'48' E	15 00'

NUMBER	RADIUS	ARC	CEN ANGLE	CH BRG	CHORD
C1	308 50'	14 75'	02°44'23"	S 62°50'49" E	14 75'
C2	808 50'	70 90'	05°01'29"	S 66°43'44" E	70 88'
C3	823 50'	70 45'	04°54'05"	N 66°40'03" W	70 43'
C4	323 50'	15 47'	02°44'23"	N 62°50'49" W	15 47'
C5	725 00'	100 60'	07°57'00"	S 73°57 49" E	100 52'



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PAGE 3 OF 3

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a • GIS • Planning

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Exhibit "B"
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